

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In Re	)	
	)	
KEITH E. HOWARD	)	Case No.: 08-06229-PMG
	)	Chapter 7
Debtor.	)	
<hr/>	)	
CHASE BANK USA, N.A.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Adv. No.:09-ap-00011-PMG
	)	
KEITH E. HOWARD	)	
	)	
Defendant.	)	

**JUDGMENT**

Chase Bank USA, N.A., by and through its undersigned attorney, having filed an Adversary Proceeding seeking a Judgment pursuant to 11 U.S.C. § 523 that the Defendant's indebtedness to the Plaintiff is an exception to discharge, plus the Plaintiff's costs and disbursements incurred for this action, and the Defendant having appeared by his attorney, Robert Elrod, Jr., Esquire, and the above-mentioned parties having subsequently entered into negotiations resulting in the agreement set forth herein, and having consented to the entry of this Judgment, and upon all papers and proceedings had herein, and after due deliberation, it is hereby:

**ORDERED, DECREED, AND ADJUDGED** as follows:

1. Judgment in the above matter shall be entered in favor of Plaintiff, Chase Bank USA, N.A., and against the Defendant, Keith E. Howard, in the sum of \$2,636.53;

2. The Judgment shall be nondischargeable pursuant to 11 U.S.C. § 523, and will survive any Order of Discharge in this and any subsequent bankruptcy case;

3. Execution of said Judgment shall be stayed unless and until the Defendant fails to pay the Plaintiff the sum of \$2,636.53 over thirty four months, payable as follows: \$50.00 a month for the first twelve (12) months, \$100.00 a month for months thirteen (13) through thirty-three (33) and a final payment of \$36.53 in month thirty-four (34), with the first payment being due on or before June 1, 2009. All subsequent payments shall be due on or before the first (1<sup>st</sup>) day of each subsequent month thereafter until the entire amount set forth in this paragraph has been paid in full. Upon payment of the \$2,636.53, the Judgment shall be satisfied;

4. Defendant shall submit his payments, made payable to "Schuyler-Stewart-Smith, P.A. Trust Account," to 118 West Adams Street, Suite 800, Jacksonville, Florida 32202 or at any future address designated by Plaintiff in writing. The full 15 digit Chase account number shall appear on all payments tendered as well as the bankruptcy case number.

5. Plaintiff shall be allowed to contact the Defendant directly regarding payment and/or default under this Stipulated Judgment. Defendant understands that he must advise Plaintiff in writing of any change of address until the Judgment has been satisfied. Defendant's current mailing address is 3915 Starratt Road, Jacksonville, Florida 32226.

6. The Defendants shall have the right to prepay all or any portion of the Settlement Amount at any time without penalty, provided that, if for any reason, in any month, the Defendants pay more than the amount due for that month under this Stipulated Judgment, the Defendants shall continue to be obligated under this Stipulated Judgment to make the next monthly payment, as scheduled. The payment in excess of the amount required under this Stipulated Judgment shall shorten the Defendants' repayment schedule, but

shall not, under any circumstances, entitle the Defendants to skip the next scheduled payment.

7. If Defendants should fall ten (10) days or more in arrears with respect to the Settlement Amount payment schedule herein, then Plaintiff shall be entitled to execute on the Judgment entered by the Bankruptcy Court (less any payments made to date by the Defendants), and may also add attorney's fees and costs incurred by Plaintiff from and after any such default in the pursuit and enforcement of its rights hereunder.

8. In the event that Defendants' bankruptcy case is dismissed or discharge is denied or revoked, Plaintiff shall remain entitled to recover the full account balance as of the petition date, less credit given for all amounts received hereunder.

9. Plaintiff remains entitled to distribution from the bankruptcy estate. Any amounts (other than interest payments) received from the bankruptcy estate in combination with any monies paid by the Defendants, which exceed the account balance, shall be returned to the Defendant.

DATED: June 22, 2009 at Jacksonville, Florida.

Paul M. Glenn  
Paul M. Glenn  
Chief ~~U.S.~~ Bankruptcy Judge  
United States

Copies furnished to:

Schuyler Smith, Esquire  
Debtor's Attorney  
Debtor  
Trustee

"RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 53, NO. 7312"